

VEGETABLES AND VEGETABLE PRODUCTS

21782. Adulteration of frozen corn. U. S. v. 194 Cases * * *. (F. D. C. No. 37422. Sample No. 81235-L.)

LIBEL FILED: November 17, 1954, Northern District of California.

ALLEGED SHIPMENT: On or about September 28, 1954, by the Allied Produce Co., from Sunnyside, Wash.

PRODUCT: 194 cases, each containing 12 cartons, of frozen corn at San Francisco, Calif.

LABEL, IN PART: (Carton) "Zero-Kist Brand Frozen Fresh Cut Corn Net Wt. 2½ Lbs. Packed By Prosser Packers, Inc., Prosser, Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and insect-damaged kernels.

DISPOSITION: December 1, 1954. Default decree of condemnation and destruction.

21783. Adulteration of olives. U. S. v. 18 Cases * * *. (F. D. C. No. 36348. Sample No. 82208-L.)

LIBEL FILED: March 10, 1954, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about June 2 and August 13, 1953, by the Belle Products Co., from Houston, Tex.

PRODUCT: 18 cases, each containing 12 jars, of olives at McAlester, Okla.

LABEL, IN PART: (Jar) "Towie Net Contents 21 Ounces Avoir. * * * Salad Olives With Pimientos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives.

DISPOSITION: June 14, 1954. Default decree of condemnation and destruction.

21784. Misbranding of canned peas. U. S. v. 55 Cases * * *. (F. D. C. No. 34501. Sample No. 36483-L.)

LIBEL FILED: December 17, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 9, 1952, by Lord-Mott Co., Inc., from Baltimore, Md.

PRODUCT: 55 cases, each containing 6 1-pound, 4-ounce cans, of peas at Cincinnati, Ohio.

LABEL, IN PART: "Cottage Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas because of excessive alcohol-insoluble solids, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: On December 29, 1952, Lord-Mott Co., Inc., filed certain so-called answers and defenses to the libel. Thereafter, certain motions as hereinafter described were filed by the Government and by Lord-Mott Co., Inc.; and, on April 24, 1953, the court handed down the following findings of fact and conclusions of law:

DRUFFEL, District Judge: "This action, having come before the Court on March 9, 1953, upon libelant's application for default judgment, motion to strike, and motion for judgment on the pleadings, and upon the documents